

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

JOHN AND JANE DOE NO. 1, *et al.*, )  
Plaintiffs, )  
   ) Case No. 3:22-cv-00337  
v. )  
   ) Judge: Michael J. Newman  
BETHEL LOCAL SCHOOL DISTRICT )  
BOARD OF EDUCATION, *et al.*, )  
Defendants. )  
   )  
   )

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**DEFENDANT-INTERVENOR ANNE ROE'S BRIEF REGARDING  
STAY OF PLAINTIFFS' STATE LAW CLAIM**

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On March 3, 2023, this Court issued an Order requiring the parties to brief whether adjudication of Plaintiffs' state law claim should be stayed until a resolution is reached in a parallel state court action, *State ex rel. Croley v. Bethel Local Sch. Dist. Bd. of Educ.*, No. 22 CV 279 (Miami Cnty. C.P. Ct. July 21, 2022). *See* Order, ECF No. 64.

Although Defendant-Intervenor Anne Roe has offered evidence and argument regarding some aspects of Plaintiffs' motion for a preliminary injunction, she has no position on the ultimate legal merits of Plaintiffs' underlying Open Meetings Act claim. Accordingly, she takes no position as to whether that claim should be stayed, whether for the general reasons of comity and fairness noted in the Court's March 3 Order, or under *Colorado River* abstention doctrine. *See Romine v. Compuserve Corp.*, 160 F.3d 337, 339–41 (6th Cir. 1998) (summarizing and applying the 8-factor inquiry for when a federal court should stay proceedings in light of parallel state litigation); *Colo. River Water Conservation Dist. v. United States*, 424 U.S. 800, 817–820 (1976).

Respectfully submitted,

/s/ David J. Carey

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*\*Admitted pro hac vice*

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**CERTIFICATE OF SERVICE**

I, David J. Carey, hereby certify that on this 17th day of March, 2023, I electronically filed the foregoing with the Clerk of Court for the United States District Court for the Southern District of Ohio via the ECF system, which will send notification of such filing to all counsel of record.

/s/ David J. Carey